

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Ho	Team: Squad #3	CCRB Case #: 201505452	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/02/2015 2:07 AM	Location of Incident: 944 8th Avenue, Midtown North Precinct stationhouse, and en-route to § 87(2)(b)	Precinct: 18	18 Mo. SOL 1/2/2017	EO SOL 1/2/2017	
Date/Time CV Reported Thu, 07/02/2015 2:03 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/02/2015 2:03 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Iselaine Guichardohermenegi	26256	948268	MTN PCT
2. SGT Nicholas Corrado	3020	943105	MTN PCT
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Frank Siciliano	05337	939464	MTN PCT
2. POM John Staines	09819	957189	MTN PCT
3. POM Ri Yu	07379	949820	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: At 944 West 58th Street, an officer used physical force against § 87(2)(b)	§ 87(2)(b)
B.SGT Nicholas Corrado	Abuse: At the Midtown North Precinct stationhouse, Sgt. Nicholas Corrado did not process § 87(2)(b)'s complaint regarding an officer.	§ 87(2)(b)
C.SGT Nicholas Corrado	Abuse: At the Midtown North Precinct stationhouse, Sgt. Nicholas Corrado threatened to arrest § 87(2)(b)	§ 87(2)(b)
D.POF Iselaine Guichardohermenegi	Abuse: En-route to § 87(2)(b) PO Iselaine Guichardo-Hermene Gildo Cruz searched § 87(2)(b)	§ 87(2)(b)
E.POF Iselaine Guichardohermenegi	Discourtesy: En-route to § 87(2)(b) PO Iselaine Guichardo-Hermene Gildo Cruz gestured rudely toward § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On July 2, 2015 at 2:06 a.m. at Ivy Bar located at 944 8<sup>th</sup> Avenue in Manhattan, § 87(2)(b) had a physical altercation with an individual whom she claimed assaulted her and believed may have been an NYPD officer or a bouncer for Ivy Bar (**Allegation A**). § 87(2)(b) went to the Midtown North Precinct stationhouse to file a complaint regarding her being assaulted at the bar. Sgt. Nicholas Corrado refused to take her complaint and told § 87(2)(b) to leave the station or he would arrest her (**Allegations B and C**). Then, § 87(2)(b) was handcuffed and transported to § 87(2)(b) for a psychiatric evaluation. While in the ambulance with § 87(2)(b) PO Iselaine Guichardo-Hermene Gildo Cruz (hereafter PO Guichardo) searched through the contents of her purse (**Allegation D**). § 87(2)(b) also alleged PO Guichardo looked at the EMT and rolled her eyes in regards to § 87(2)(b) and twisted her finger by her ear to gesture that § 87(2)(b) was crazy (**Allegation E**). § 87(4-b), § 87(2)(g)

### Video Evidence



Video 1.MP4

§ 87(2)(b)'s cellphone [BR 22]  
Transcript [BR 05]



Video 2.MP4

Ivy Bar Surveillance [BR 23]  
Transcript [NYPD 05]

### Mediation, Civil and Criminal Conviction Histories

- As § 87(2)(b) stated her intent to file a lawsuit, this case was ineligible for mediation [BR 01].
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of September 3, 2015 with regard to the incident.
- § 87(2)(b)

### Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Iselaine Guichardo-Heremene Gildo Cruz has been a member of the service for 6 years and this is the first CCRB complaint against her.
- Sgt. Nicholas Corrado has been a member of the service for 8 years and there are no substantiated CCRB allegations against him.

### Other Documents

§ 87(2)(b)

### Explanation of Subject Officer Identification

§ 87(2)(b) alleged that the desk officer (whom she described as a Caucasian male, weighs 240 pounds, is 40-45 years old, has a receding hairline and a widow's peak) did not process her complaint regarding an officer [BR 01]. The desk officer, Sgt. Frank Siciliano, is a Caucasian male, is 5'11" tall, weighs 145 pounds, with brown hair and brown eyes, and was § 87(2)(b) old at the time of the incident [BR 09]. Sgt. Nicholas Corrado, the patrol supervisor on duty, is a Caucasian/Asian male, is 6'2" tall, weighs 210 pounds, with black hair and brown eyes, and was § 87(2)(b) old at the time of the incident [Br 13]. Sgt. Corrado confirmed he performed the investigation of § 87(2)(b)'s complaint against an officer, and based on the results of his investigation, informed Sgt. Siciliano and PO Yu not to file a complaint for § 87(2)(b). Furthermore, all officer testimonies indicate Sgt. Corrado's interaction with § 87(2)(b) was more extensive than Sgt. Siciliano's. § 87(2)(g)

### Finding and Recommendations

#### Recommendations

- **Allegation A: Force - At 944 West 58th Street, an officer used physical force against § 87(2)(b)**
- **Allegation B: At the Midtown North Precinct stationhouse, Sgt. Nicholas Corrado did not process § 87(2)(b)'s complaint regarding an officer.**

§ 87(2)(b) alleged that while at the Ivy Bar, she had a physical altercation with an individual whom she alleged assaulted her and believed may have been an NYPD officer or a bouncer for Ivy Bar [BR 01]. During the course of the evening, § 87(2)(b) consumed two Gin and Tonics, a Sambuca with her coffee, a large can of Bud Light Lemon-Ade-Rita, and roughly two Frangelico's at the bar. § 87(2)(b) estimated she was pretty drunk, but had not felt drunk at the time. When § 87(2)(b) went to the Manhattan North Precinct stationhouse to file a complaint in regards to being assaulted, she alleged Sgt. Corrado informed her to leave the stationhouse because the officers would not do anything for her.

In IAB's interview with Ivy Bar patron § 87(2)(b) [NYPD 06], § 87(2)(b) stated § 87(2)(b) was verbally harassing her friend § 87(2)(b) and was told by the night-manager § 87(2)(b) to finish her drink and leave. Then, § 87(2)(b) hit another male patron and was held back by § 87(2)(b) from inflicting more physical harm. § 87(2)(b) assisted by holding § 87(2)(b) down to the ground and 911 was called. § 87(2)(b) clarified that no one at Ivy Bar was an NYPD officer. § 87(2)(b) denied observing § 87(2)(b) being assaulted by anyone at the bar.

PO Guichardo and PO Staines stated that they responded to a call of a disorderly person at Ivy Bar [BR 08; BR 09]. PO Guichardo recalled that the night-manager and bartender informed her § 87(2)(b) had swung at a patron, and subsequently fell over. Other patrons grabbed onto § 87(2)(b) in an attempt to detain her until officers arrived. To PO Guichardo and PO Staines' knowledge, none of the individuals in the bar were NYPD officers.

When § 87(2)(b) entered the Midtown North Precinct stationhouse to file her complaint, Sgt. Corrado stated that he asked § 87(2)(b) questions about the incident [BR 13]. Sgt. Corrado noted that § 87(2)(b)'s story kept changing and that she was inconsistent and incoherent at times. § 87(2)(b) was also intoxicated, and at times, slurred her words. Then, Sgt. Corrado responded to the Ivy Bar to follow up on § 87(2)(b)'s complaint. Sgt. Corrado spoke with witnesses and gathered that § 87(2)(b) had been screaming, cursing, and hitting other bar patrons. Sgt. Corrado gathered that § 87(2)(b) had been the aggressor, and when he returned to the stationhouse he explained to

§ 87(2)(b) that a complaint could not be filed for her as her complaint was false based on the results of his investigation.

Sgt. Siciliano was informed by Sgt. Corrado of the results of his investigation at Ivy Bar, that § 87(2)(b) had been the aggressor [BR 09]. Sgt. Siciliano instructed § 87(2)(b) at least five times to leave the stationhouse because the officers could not do anything for her at the time. Sgt. Siciliano believed it was Sgt. Corrado who explained to § 87(2)(b) that she could not file a complaint because it would be a false report, as nothing she stated was correct.

Telephone-switchboard operator, PO Yu, was about to fill out a complaint form for § 87(2)(b) when he stated he was instructed by Sgt. Corrado not to file a report for § 87(2)(b) [BR 15]. Sgt. Corrado informed PO Yu that § 87(2)(b) made a false allegation.

Video surveillance of Ivy Bar shows [NYPD 05] § 87(2)(b) harassing a male patron wearing a red shirt. § 87(2)(b) throws two punches at the male in the red shirt and a male in a black shirt steps between them. § 87(2)(b) lunges at other patrons in the bar and it is unclear in the video what happens next. Afterwards, § 87(2)(b) is on the ground, being held down by bar patrons. Then, § 87(2)(b) gets up and rushes out of the bar.

§ 87(2)(b) reported to medical personnel at § 87(2)(b) that she had an altercation at the bar, where police tackled her down to the floor [Privileged Document]. Intoxication and marijuana use were noted barriers to her psychiatric assessment at 4:55 a.m. on July 2, 3015.

NYPD Patrol Guide §207-31 notes that civilian complaints against members of service may be made at any stationhouse or office of the NYPD and that officers are required to process these complaints [BR 24].

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

• **Allegation C: Abuse of Authority – At the Midtown North Precinct Stationhouse, Sgt. Nicholas Corrado threatened to arrest** § 87(2)(b)

§ 87(2)(b) alleged that after Sgt. Corrado told her a complaint report would not be filed for her, he instructed her to leave the stationhouse [BR 01]. When § 87(2)(b) persisted that she wanted her complaint filed, she alleged Sgt. Corrado threatened to arrest her if she did not leave. § 87(2)(b) continued to refuse to leave, and sat in the waiting room of the stationhouse lobby. Once Sgt. Corrado informed § 87(2)(b) an ambulance was called for her, she told him, “Take me to § 87(2)(b) you fucker! Send me to § 87(2)(b) you son of a bitch!”

When Sgt. Corrado asked § 87(2)(b) about the incident, he noted that her story kept changing, that she was inconsistent and incoherent at times [BR 13]. Sgt. Corrado also noted that § 87(2)(b) was intoxicated, screaming, highly agitated, and at times, slurred her words. Sgt. Corrado informed § 87(2)(b) that during the course of his investigation at Ivy Bar, he spoke to witnesses who confirmed she had been hitting and fighting with people. Sgt. Corrado did not tell § 87(2)(b) to leave the stationhouse and did not hear any other officer do so. Sgt. Corrado did not recall if he told § 87(2)(b) she could be arrested; he explained that officers were looking to help § 87(2)(b) not to arrest her.

Sgt. Siciliano heard Sgt. Corrado explain to § 87(2)(b) she could not file a complaint because it would be a false report [BR 09]. Sgt. Siciliano estimated § 87(2)(b) was told a total of ten times to leave the stationhouse by officers. However, it appeared to him that she did not comprehend what she was being told to do. When § 87(2)(b) refused to leave the stationhouse, she was

informed that officers would call an ambulance for her. Sgt. Siciliano did not hear any officer inform § 87(2)(b) that if she did not leave the stationhouse, she would be arrested.

PO Guichardo heard Sgt. Corrado explain to § 87(2)(b) that based on her actions, she would either be arrested or escorted to the hospital as an emotionally disturbed person for psychiatric evaluation [BR 08]. Sgt. Corrado made the decision to have § 87(2)(b) transported to the hospital.

PO Staines informed § 87(2)(b) twice that she needed to leave the stationhouse [BR 12]. PO Staines heard Sgt. Corrado tell § 87(2)(b) at least four to five times to leave before Sgt. Corrado informed her they were going to call an ambulance for her if she did not leave. PO Staines explained that while § 87(2)(b) could have been arrested for trespassing, neither he nor any other officer told her she would be arrested if she did not leave.

PO Yu did not hear any officer tell § 87(2)(b) that she would be arrested if she did not leave the stationhouse [BR 15].

IAB's interview of bar patron § 87(2)(b) [NYPD 06] and video footage from Ivy Bar [NYPD 05] confirmed details revealed in Sgt. Corrado's investigation – that § 87(2)(b) was not assaulted as she alleged, but had maliciously confronted other bar patrons and assaulted them.

§ 87(2)(b) was transported from the Midtown North Precinct stationhouse by FDNY to § 87(2)(b) for psychiatric evaluation [NYPD 01].

NY Penal Law §140.05 states a person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises [BR 19]. A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: (1) He engages in fighting or in violent, tumultuous or threatening behavior; or (2) he makes unreasonable noise; or (3) in a public place, he uses abusive or obscene language, or makes an obscene gesture. NYS Criminal Procedure Law 240.20(3) [BR 20].

§ 87(2)(g) [REDACTED]

• **Allegation D: Abuse of Authority: En-route to § 87(2)(b) PO Iselaine Guichardo-Hermene Gildo Cruz searched § 87(2)(b)**

§ 87(2)(b) testified that while she was being transported in the ambulance to § 87(2)(b) PO Guichardo went through her purse [BR 01]. Furthermore, when at the hospital, PO Guichardo continued to search through the contents of § 87(2)(b)'s purse.

PO Guichardo could not recall if she had obtained § 87(2)(b)'s identification while at the stationhouse or while inside the ambulance [BR 08; BR 14]. PO Guichardo did not recall if she had asked § 87(2)(b) for her name. PO Guichardo had asked § 87(2)(b) where her identification was, and § 87(2)(b) responded with a slew of curses. PO Guichardo told § 87(2)(b) she was going to go into her purse to obtain her identification. When asked if she recalled asking § 87(2)(b) for permission to look into her purse versus informing § 87(2)(b) she was going to do so, PO Guichardo could not recall how she phrased her intent. PO Guichardo clarified that § 87(2)(b) could not go into her purse herself as she was handcuffed. Inside, PO Guichardo found § 87(2)(b)'s identification as well as medication. PO Guichardo notified the EMT of § 87(2)(b)'s medication, and he noted it on his computer. PO Guichardo denied having searched the

rest of § 87(2)(b)'s purse. PO Guichardo stated that after she and PO Staines took § 87(2)(b) to be admitted, they removed her handcuffs, and left the hospital immediately after. PO Guichardo denied having searched § 87(2)(b)'s purse again while at the hospital.

PO Staines followed the ambulance in the RMP to the hospital [BR 12]. PO Staines did not observe PO Guichardo search § 87(2)(b)'s purse while they were in the hospital.

Sgt. Corrado recalled that when inside the Manhattan North Precinct stationhouse, after § 87(2)(b) was handcuffed and brought out to the ambulance, PO Guichardo looked through § 87(2)(b)'s purse for contraband, which he stated was as protocol dictates [BR 13]. Sgt. Corrado stated that no instructions were given to PO Guichardo to search § 87(2)(b)'s purse, and that PO Guichardo searched it on her own accord before entering the ambulance with it.

NYPD Patrol Guide §216-01(6)(a)(b) states when an officer accompanies an aided to the hospital in the ambulance, the officer must witness the search by hospital authorities and sign hospital property record as a witness. Then, the officer can examine the property removed in attempt to determine identity of aided [BR 17]. In order to search a person, an officer must have probable cause to believe the person is either armed, has committed a crime, or incident to arrest. People v. Debour, 40 N.Y.2d 210 (1976) [BR 21].

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

• **Allegation E: Abuse of Authority: En-route to § 87(2)(b) PO Iselaine Guichardo-Hermene Gildo-Cruz gestured rudely toward § 87(2)(b)**

§ 87(2)(b) alleged that while they were en-route to § 87(2)(b) PO Guichardo rolled her eyes and twirled her finger by her ear to the EMT, to signal that § 87(2)(b) was crazy [BR 01].

PO Guichardo denied having rolled her eyes or twirled her finger by her ear at § 87(2)(b) or in regards to § 87(2)(b) [BR 08].

§ 87(2)(b) EMS technician for the incident, resigned from the FDNY before a statement could be obtained from him.

§ 87(2)(g)

[REDACTED]

- § 87(4-b), § 87(2)(g)
- [REDACTED]

Investigator:	<u>                                </u>	<u>Rebecca Ho</u>	<u>10/01/15</u>
	Signature	Print	Date
Supervisor:	<u>                                </u>	<u>                                </u>	<u>                                </u>
	Title/Signature	Print	Date
Reviewer:	<u>                                </u>	<u>                                </u>	<u>                                </u>
	Title/Signature	Print	Date
Reviewer:	<u>                                </u>	<u>                                </u>	<u>                                </u>
	Title/Signature	Print	Date